

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANDRES RIVERA, as parent and next
friend of A.R., a minor,

Plaintiff,

v.

Civ. No. 13-00397 KG/KBM

VOLVO CARS OF NORTH AMERICA, LLC,
a Delaware Corporation; ROE CORPORATIONS
I-X, inclusive; and JOHN DOES I-X, inclusive,

Defendants.

ORDER

THIS MATTER comes before the Court upon pretrial matters and the following motions: Plaintiff's Motion to Strike the Testimony of James Funk Ph.D., P.E., Under Rule 702 (Doc. 153); Defendant Volvo Cars of North America, LLC's (VCNA) Motion for Summary Judgment on Plaintiff's Failure-to-Warn Claim and to Exclude Plaintiff's Expert Robert Cunitz (Doc. 243); and Plaintiff's Motion to Strike the Testimony of Christine T. Wood, Ph.D. (Doc. 239). The parties filed responses and replies to the pending motions. *See* (Docs. 177, 197, 265, 268, 281, and 285). On June 10, 2015, the Court held a telephonic hearing. James Ragan, counsel for Plaintiff, and Todd Rinner, counsel for Defendant VCNA, attended the hearing telephonically. For the reasons stated on the record at the June 10, 2015, hearing, and for the reasons stated herein, the Court hereby rules as follows:

1. the Court denies Plaintiff's Motion to Strike the Testimony of James Funk Ph.D., P.E., Under Rule 702 (Doc. 153), filed December 16, 2014;
2. the Court grants Defendant VCNA's Motion for Summary Judgment on Plaintiff's Failure-to-Warn Claim and to Exclude Plaintiff's Expert Robert Cunitz (Doc. 243), filed April

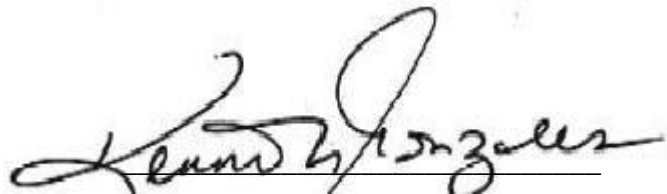
1, 2015. Plaintiff's product liability failure-to-warn claim in the Second Amended Complaint (Doc. 192), filed February 13, 2015, is dismissed with prejudice;

3. the Court denies, in part, as moot, and grants, in part, Plaintiff's Motion to Strike the Testimony of Christine T. Wood, Ph.D. (Doc. 239), filed April 1, 2015;

4. the Court *sua sponte* excludes Dr. Robert Cunitz's comparative negligence and parental supervision proffered expert testimony; and

5. the Court finds, based on the parties' briefs and exhibits, *see* (Docs. 300 and 309), that Plaintiff's Fed. R. Civ. P. 30(b)(6) notice named Volvo Car Company, a nonparty to this litigation. The Volvo Car Company representatives, Thomas Andersson and Anders Eugensson, did not consent to testify on behalf of Defendant VCNA.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE